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<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: _____ DATE FILED: <u>12/21/07</u>
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12/21/2007

December 19, 2007

VIA ECF Filing and FAX: (212) 805-7942

Hon. Alvin K. Hellerstein  
United States District Judge, SDNY  
United States Courthouse  
500 Pearl St., Room 1050  
New York, NY 10007

Re: USA v. Gonzalez et al  
Case No. 07-cr-00753

Letter Motion to Withdraw The Portela Law Firm, P.C.,  
as Attorney of Record for Defendant Angel Tavarez

*Counsel shall assist defendant in satisfying requirements for appointing Public Defender or CJA counsel. The court will consider the application or grant new counsel via the United States Magistrate Judge.*

Dear Judge Hellerstein,

I, Manuel Portela Jr., am founding partner of The Portela Law Firm, P.C. and an attorney duly admitted to practice law before the Southern District Court of the State of New York. I affirm the truth of the following under penalty of perjury.

I was retained on August 6, 2007 to represent Defendant Angel Tavarez in the above-described Narcotics Conspiracy Criminal action. As attorney for the Defendant, I have personal knowledge of the facts set forth herein, and believe them to be true based upon information contained in my file maintained in the regular course of my law firm's business.

I submit this letter pursuant to Local Criminal Rule 1.1 and Local Civil Rule 1.4, in order to withdraw my firm as counsel of record for Defendant Angel Tavarez. A proposed Order granting this relief is annexed hereto as Exhibit A.

My firm has abided by and satisfied the terms of the retainer agreement entered into with the Defendant. On two separate occasions which immediately preceded the last two court dates, on or about November 30, 2007 and December 7, 2007 respectively, I met with Defendant Tavarez in person at my office to discuss replenishing the retainer. On both such occasions, Defendant Tavarez stated that he did not have the available funds for continued representation

and gave no assurances that he would be able to meet his financial obligations for such continued representation. I then advised the Defendant of his option to elect court appointed counsel, and Defendant Tavarez resolved to proceed with such court appointed counsel.

On or about December 14, 2007, I met with Defendant Tavarez's family friend regarding replenishing the Defendant's retainer. This conference confirmed that Defendant Tavarez was unable to fund continued representation, and elects instead to proceed with court appointed counsel.

Defendant Tavarez was arraigned on Indictment and pled not guilty. He is presently on bail. The next Pre-Trial Conference is scheduled to be held on January 18, 2008, before Your Honor.

Because Defendant Tavarez is unable to meet his financial obligations for my firm's continued representation, and because Defendant has resolved to proceed with court appointed counsel, I respectfully request that The Portela Law Firm, P.C. be withdrawn as counsel of record for Defendant Angel Tavarez. I further request that the Court appoint counsel to the Defendant, in order to protect the Defendant's rights.

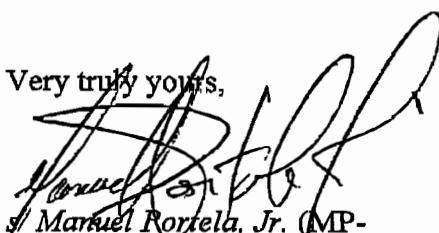
It is respectfully requested that this application be granted in all respects, together with any such other and further relief as this Court may deem just and proper.

Any party wishing to respond to this letter motion must file a written response no later than ten (10) business days after the motion is filed.

**It is respectfully requested that this motion be heard as soon as possible in advance of the next Pre-Trial Conference hearing, scheduled for January 18, 2008, to allow Defendant sufficient time to receive court appointed counsel for said hearing.**

Should Your Honor have any questions or require any further information, please do not hesitate to contact me.

Very truly yours,



Manuel Portela, Jr. (MP-\_\_\_\_)  
Manuel Portela, Jr., Esq.  
The Portela Law Firm, P.C.

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**Angel Tavarez**  
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